

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

EX PARTE YEN

Application for Patent

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Serial No. 09/578,816

Group Art Unit 2444

Examiner: Shingles, Kristie D.

FOR:

**METHOD AND SYSTEM FOR REDUCTION OF DELAY AND BANDWIDTH
REQUIREMENTS IN INTERNET DATA TRANSFER**

REPLY BRIEF

I. INTRODUCTION

This Reply Brief is submitted in response to the Examiner's Answer of December 15, 2010.

II. RESPONSE TO EXAMINER'S ADDITIONAL ARGUMENTS

In general, the Examiner's Answer reiterates the rejections provided in the final Office Action of October 14, 2009. However, at pages 8-12, the Examiner's Answer makes an effort to respond to Appellant's Appeal Brief.

III. ARGUMENT

A. CLAIMS 15 AND 17-24 ARE NOT ANTICIPATED BY AGRUSA ET AL.

Claim 15

Appellant reiterates and maintains the arguments provided in the Appeal Brief.

1. AGRUSA ET AL. DOES NOT TEACH OR SUGGEST A PLURALITY OF DATA DISTRIBUTION CENTERS

Appellant incorporates its earlier arguments in the Appeal Brief. Claim 15 pertains to a system for transmitting data from content servers to requestors through a data network. Among other things, claim 15 recites: "a plurality of data distribution centers, said distribution centers being connected to the data network." A data distribution center provides distribution of data. In contrast, Agrusa et al. the "module that aggregates all requests for information directed to one of a plurality of interconnected computers in a process control environment, such as a factory" (Agrusa et al.: col. 2, line 67 – col. 3 line 3) is not a data distribution center, nor do these computers support

the module. Although the module in Agrusa et al. can be connected to a plurality of interconnected computers across a data network as shown in Fig. 1, 2A and 2B, these interconnected computers pertain to a process control environment, such as a factory, and thus do not serve to distribute a particular resource. As such, the interconnected computers in Agrusa et al. are unable to teach or suggest data distribution centers.

2. AGRUSA ET AL. DOES NOT TEACH OR SUGGEST DATA DISTRIBUTION CENTERS USE OF A MULTI-DESTINATION FORMAT SO AS TO REDUCE CONGESTION

Appellant incorporates its earlier arguments in the Appeal Brief. On page 9 of the Examiner's Answer, reference is made to col. 3, lines 1-14 and col. 9, lines 23-50 of Agrusa et al. Col. 3, lines 1-14 of Agrusa et al. offers nothing that teaches or suggests using a multi-destination format for transferring a particular resource to different requesting computers. Col. 9, lines 37-50 state that the program of Agrusa et al. serves to "transmits to each of the requesting computers a copy of the information that it obtained". This is clearly not a teaching or suggestion for a data distribution center that makes use of a multi-destination format. Nor would the teaching of Agrusa et al. be suitable for reducing congestion at a data distribution center. If anything, by maintaining a list and then transmitting a copy of the requested information to each of the requesting computers, Agrusa et al. would suggest that the data transmission is not utilizing a multi-destination format. As a result, col. 9, lines 37-50 of Agrusa et al. teaches against any use of a multi-destination format for data transmissions.

3. AGRUSA ET AL. DOES NOT TEACH OR SUGGEST A MULTI-DESTINATION FORMAT THAT USES MULTI-DESTINATION DATA PACKETS INCLUDING AT LEAST MULTIPLE DESTINATION FIELDS AND A DATA FIELD

Appellant incorporates its earlier arguments in the Appeal Brief. As noted above, Agrusa et al. fails to teach or suggest data transmission using multi-destination data packets. Nothing in Agrusa et al. teaches or suggests that its process control

environments could support, use or benefit from use of multi-destination data packets. Moreover, col. 9 lines 23-50 of Agrusa et al. fail to resolve the above mentioned deficiency and actually teach away from such as noted above. Accordingly, Agrusa et al. also fails to teach or suggest wherein the multi-destination format uses multi-destination data packets including at least multiple destination fields and a data field. The Examiner also appears to allege that multiple destination fields for dissemination are inherent. There is no rational basis of record to make such a claim. Agrusa et al. lacks a multi-destination format as noted above and therefore also lacks multi-destination data packets.

Conclusion

Based on the foregoing, it is respectfully submitted that independent claim 15 is patentable distinct from Agrusa et al. Moreover, at least dependent claims 17-20 are further patentably distinct from Agrusa et al. for at least the reasons stated above. Accordingly, it is respectfully submitted that the Examiner should withdraw the rejection of claim 15 and 17-20 under 35 USC §102(e) as being anticipated by Agrusa et al.

Claim 21

Appellant incorporates its earlier arguments in the Appeal Brief. The system of claim 21 is adapted to provide similar features as those recited in claim 15. Accordingly, it is respectfully submitted that the Examiner's rejection of claim 21 is improper and should be withdrawn for at least reasons similar to those noted above with respect to claim 15. Moreover, the rejection of dependent claims 22-24 is likewise improper. Therefore, it is respectfully submitted that the Examiner should withdraw the rejection of claims 21-24 under 35 USC § 102(e) as being anticipated by Agrusa et al.

B. CLAIMS 12, 25 AND 28 ARE NOT OBVIOUS OVER AGRUSA ET AL. IN VIEW OF SINGH

Claim 12

Appellant reiterates and maintains the arguments provided in the Appeal Brief.

1. NONE OF THE CITED REFERENCES TEACH OR SUGGEST FORMING MULTI-DESTINATION DATA PACKETS TO CARRY DATA OF THE PARTICULAR RESOURCE

Appellant incorporates its earlier arguments in the Appeal Brief. Contrary to the Examiner's assertion, it is respectfully submitted that Agrusa et al. does not teach or suggest "forming multi-destination data packets to carry data of the particular resource" as recited in claim 12. Nowhere in Agrusa et al. does it teach or suggest use of a multi-destination format to transfer a particular resource to the different requestors. Col. 3, lines 1-14 offer nothing that teaches or suggests using a multi-destination format for transferring a particular resource to different requestors. Col. 9, lines 37-50 states that the program of Agrusa et al. serves to "transmits to each of the requesting computers a copy of the information that it obtained". This is clearly not a teaching or suggestion for a data center that makes use of a multi-destination format. Nor would the teachings of Agrusa et al. be suitable for reducing congestion at a data distribution center. If anything, by maintaining a list and then transmitting a copy of the requested information to each of the requesting computers, Agrusa et al. would suggest that the data transmission is not utilizing a multi-destination format. As a result, col. 9, lines 37-50 of Agrusa et al. teach against any use of a multi-destination format for data transmissions. Singh also does not teach or suggest transmitting data through multi-destination data packets. Instead, Singh merely uses multiple processing threads to deliver the information from the local cache to the requesting clients. Accordingly, both Agrusa et al. and Singh fail to teach or suggest "transmitting the multi-destination data packets from the remote server to the data distribution center" as recited in claim 12.

2. NONE OF THE CITED REFERENCES TEACH OR SUGGEST TRANSMITTING MULTI-DESTINATION DATA PACKETS FROM A REMOTE SERVER TO A DATA DISTRIBUTION CENTER

Appellant incorporates its earlier arguments in the Appeal Brief. The Examiner's response to the Appeal Brief as to this argument is similar to that of the argument noted above.

Col. 9, lines 37-50 states that the program of Agrusa et al. serves to "transmits to each of the requesting computers a copy of the information that it obtained". This is clearly not a teaching or suggestion for a data center that makes use of a multi-destination format. Nor would the teachings of Agrusa et al. be suitable for reducing congestion at a data distribution center. If anything, by maintaining a list and then transmitting a copy of the requested information to each of the requesting computers, Agrusa et al. would suggest that the data transmission is not utilizing a multi-destination format. As a result, col. 9, lines 37-50 of Agrusa et al. teaches against any use of a multi-destination format for data transmissions. Agrusa et al. cannot possibly teach or suggest "transmitting the multi-destination data packets from the remote server to the data distribution center" because, as noted above, Agrusa et al. fails to even teach or suggest forming multi-destination data packets. Accordingly, Agrusa et al. fails to teach or suggest transmitting multi-destination data packets from a remote server to a data distribution center. Singh also does not teach or suggest transmitting data through multi-destination data packets. Instead, Singh merely uses multiple processing threads to deliver the information from the local cache to the requesting clients. Accordingly, both Agrusa et al. and Singh fail to teach or suggest "transmitting the multi-destination data packets from the remote server to the data distribution center" as recited in claim 12.

3. NONE OF THE CITED REFERENCES TEACH OR SUGGEST CONVERTING MULTI-DESTINATION DATA PACKETS RECEIVED AT A DATA DISTRIBUTION CENTER INTO SINGLE DESTINATION DATA PACKETS

Appellant incorporates its earlier arguments in the Appeal Brief. Since, as noted above, Agrusa et al. does not teach or suggest forming multi-destination data packets, and thus Agrusa et al. cannot possibly teach or suggest converting the multi-destination data packets received at the data distribution center into single destination data packets. Accordingly, it is respectfully requested that the Examiner's rejection be withdrawn for at least this reason. Singh also fails to teach or suggest converting a multi-destination data packet into a single destination data packet.

Accordingly, both Agrusa et al. and Singh fail to teach or suggest converting multi-destination data packets received at a data distribution center into single destination data packets as recited in claim 12.

4. NONE OF THE CITED REFERENCES TEACH OR SUGGEST TRANSMITTING THE SINGLE-DESTINATION DATA PACKETS FROM THE DATA DISTRIBUTION CENTER TO THE DIFFERENT REQUESTORS, THEREBY DELIVERING THE PARTICULAR RESOURCE REQUESTED TO THE DIFFERENT REQUESTORS

Appellant reiterates and maintains the arguments provided in the Appeal Brief. It appears that the Examiner's Answer has not responded to this argument.

Conclusion

Based on any of the foregoing reasons, it is submitted that claim 12 is patentably distinct from Agrusa et al., alone or in combination with Singh. Therefore, it is respectfully submitted that the Examiner's rejection of claim 12 35 USC § 103(a) is improper and should be withdrawn.

Claim 25

Claim 25 pertains to a method for transferring data through a data network from a server to clients. The method recites the transferring of data between the server and a data distribution center using a multi-destination format. As previously noted, Agrusa et al. and Singh both fail to teach or suggest use of a multi-destination format for the transfer of data to a data distribution center. Therefore, it is respectfully submitted that the rejection of claim 25 under 35 USC § 103(a) as being unpatentable over Agrusa et al. in view of Singh should be withdrawn.

Claim 28

Appellant incorporates its earlier arguments in the Appeal Brief. The system of claim 28 is adapted to provide similar features as those recited in claim 12. Accordingly, it is respectfully submitted that the Examiner's rejection of claim 28 is improper and should be withdrawn for at least reasons similar to those noted above with respect to claim 12. Therefore, it is respectfully submitted that the rejection of claim 28 under 35 USC § 103(a) as being unpatentable over Agrusa et al. in view of Singh should be withdrawn.

C. CLAIM 5 IS UNPATENTABLE OVER AGRUSA ET AL. IN VIEW OF YAMANE ET AL.

Claim 5

Appellant maintains and incorporates its earlier arguments in the Appeal Brief. The Examiner's Answer references col. 9, line 42 to col. 10, line 29 to support the rejection.

Claim 5 pertains to a method for sending data over the Internet. Agrusa et al. is directed to a method for permitting communication with process control equipment. Agrusa et al. is not operating to process requests for electronic resources from remote

server over the Internet and then to send the requested resource to a plurality of requestors. More particularly, claim 5, among other things, recites “retrieving the particular resource from the remote server once for the plurality of requests to obtain the particular resource requested by the plurality of requests” (claim 5, lines 5-6). Furthermore, claim 5 recites “said receiving and/or said sending are performed after a predetermined quantity of the plurality of requests have been received” (claim 5, lines 8-9).

While the Examiner admits these deficiencies of Agrusa et al. (Office Action, page 6; Examiner’s Answer, page 12), the Examiner combines Yamane et al. with Agrusa et al. However, Yamane et al. describes a system in which data can be wireless broadcast to a particular area. It appears that the broadcast can be done at a fixed time (e.g., 5:00 am) or when the number of requests from an area exceeds a set number (I). See Fig. 8. Hence, Yamane et al. merely provides a wireless broadcast of data to anyone in an area (e.g., area m in Fig. 8). There is not logical basis for combining the wireless broadcasting of Yamane et al. with the process control environment of Agrusa et al. As such, these reference have been improperly combined.

Moreover, claim 5 recites the use of “multi-destination data packets” to subsequently send data of the particular resource to a plurality of different requestors for such data. Specifically, similar to claim 12, claim 5 also recites “said sending of the particular resource to the different requestors comprises forming multi-destination data packets to carry data of the particular resource, and transmitting the multi-destination data packets.” As noted above with respect to claim 12, Agrusa et al. is not able to teach or suggest any use of multi-destination data packets. Yamane et al. fails to teach or suggest forming or transmitting multi-destination data packets to send the data to particular requestors, and thus is not able to overcome the deficiencies of Agrusa et al. Hence, for this additional reason, it is submitted that claim 5 is further patentably distinct from Agrusa et al., even in combination with Yamane et al.

Accordingly, it is respectfully submitted that independent claim 5 is patentably distinct from Agrusa et al. and Yamane et al. Accordingly, it is respectfully submitted that the Examiner’s rejection of claim 5 is improper and should be withdrawn.

D. CONCLUSION

It is respectfully submitted that the Examiner has not overcome the arguments presented in Appellant's Appeal Brief. It is respectfully requested that the Board reverse the rejection of all pending claims under 35 USC §102(e) and 35 USC §103(a).

In the interest of speedy and just determination of the issues and for the many reasons set forth in the Appeal Brief and this Appeal Brief, it is requested that the Board reverse the Examiner's rejection and should order the Examiner to pass this application to allowance.

If any additional fees are required in connection with the filing of this Reply Brief, the Commissioner is authorized to charge Deposit Account No. 504298 (Order No. 1801-P001).

Respectfully submitted,

/C. Douglass Thomas/

C. Douglass Thomas
Reg. No. 32,947

TI Law Group
408-955-0535